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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,572	09/25/2003	Tetsuya Sawano	0649-0416P	5629
2292	7590	10/18/2007	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			LUONG, ALAN H	
			ART UNIT	PAPER NUMBER
			4126	
			NOTIFICATION DATE	DELIVERY MODE
			10/18/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/669,572

Applicant(s)

SAWANO, TETSUYA

Examiner

ALAN LUONG

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/25/2003.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,178,159 (US'159) to Ando et al. in view of US Patent No. 6,499,057 (US'057) to Portuesi

Regarding to claim 1: Ando discloses an image sending apparatus, comprising:

a device which creates a general-purpose animation image file (col. 19 line 41 to col. 20 line 49 and Fig. 11, 12 and 13) also (col.10 lines 30-39); (col.12 lines 54-64) and Fig.2); (plus audio codec process ; see col.28. lines 11-30 and Fig.22) from the specified movie file (said the contents data 110 of Fig. 1, see col. 24 lines 11-15 and Fig.16); and

a device which sends the animation image file (as outputted movie file from the service relaying apparatus 101; which is mixed a still picture frames and a compressed image data frames and is coded by moving picture coding apparatus 104

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before sending to network interface 115a, 115b, and communication path 111 to portable terminal 106; please see col. 7 line 55 to col.8 line 21 and fig. 2) and further see (col.22 lines 28-59 and step 1503 in Fig. 15); (col. 33 lines 6-10); (col. 34 lines 14-24) and (col.36 line 64 to col.37 line 6)

But Ando fails to disclose a device which causes a desired movie file to be specified. Portuesi teaches a device which causes a desired movie file to be specified as movie file format (movie file format showed on Fig. 2, also see col.4 line 62 to col. 6 line 5). Therefore, it would have been obvious to a person having an ordinary skill in the art at the time of the invention was made to modify the specified movie file as taught by Portuesi in an image sending apparatus of Ando; in order to reproduce the content of received image and be able to playback on another portable device.

Regarding to claim 2: Ando also discloses the image sending apparatus as defined in claim 1, further comprising a communication device (said the W-CDMA in mobile phone system see col.1 lines 57, communication path 2803 between 2801 and 2802 in Fig.28) capable of two-way communication (115a, 115b, 112 of Fig. 1 as receiving communication from service provider side) with a portable terminal (116a, 116b and 111 as transmitting communication at mobile terminal 106 of Fig. 1).

Regarding to Claim 3: The above apparatus as defined in claim 1, Ando further comprising a device which causes a reproduction range in 7 embodiments wherein the first to third embodiments are simple the compressed image data that are capable display on terminal(see col.11 line 50 to col. 12 line 64 also see Fig. 5 from step 501 to 506 and Fig. 3), at 4th embodiment an audio codec is added into the compressed

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image data (2101 of Fig. 22 and col.27 line 36 to col. 28 line30) and of the specified movie file to be specified .(col. 17 lines 13-25) and (col. 24 lines 11-15)

Regarding to claim 4.The image sending apparatus of in claim 3, Ando also discloses claim 13 and 14 (col.36 line 49 to col.37 line 8) to comprise a communication device capable of two-way communication with a portable terminal.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN LUONG whose telephone number is (571) 270-5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Alan H. Luong
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10/21/09
FBI - New York

L Y Lu